

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JULY 29, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Bernie Heier
Bob Workman
Deb Schorr

Commissioners Absent: Larry Hudkins, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:17 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
JULY 22, 2004**

MOTION: Heier moved and Workman seconded approval of the Staff Meeting minutes of July 22, 2004. Heier, Stevens and Workman voted aye. Schorr was absent from voting. Motion carried.

Schorr arrived at 8:18 a.m.

2 ADDITIONS TO THE AGENDA

- A. Payment to General Excavating for Tornado Debris Cleanup
- B. Pension Review Update
- C. Contract with Hamilton College for a Federal Work-Study Program with Lancaster County Corrections
- D. Correspondence from Doug Thomas, Information Services Director Regarding the Spam/Virus Mail Server (Exhibit A)

MOTION: Heier moved and Workman seconded approval of the additions to the agenda. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

3 COMMISSIONER MEETING REPORTS

A. Lancaster Manor Advisory Committee - Hudkins

No report.

B. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Schorr said the committee discussed how to tighten the guidelines to reduce expenditures.

C. Families First & Foremost (F³) Conveners - Schorr

Schorr said the budget was reviewed.

D. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Stevens

Stevens reported general discussion.

E. Public Building Commission (PBC) - Workman

Workman said the PBC approved the \$12 million dollar bond issue for the Lincoln-Lancaster County Health Department expansion.

4 1) JAMAICA NORTH TRAIL UPDATE; 2) SCHOOL TAXES FOR NEBRASKA ENVIRONMENTAL TRUST (NET) PROPERTY; AND 3) LETTER OF SUPPORT FOR NET GRANT - Terry Genrich, Parks & Recreation Natural Resources Manager; Clint Thomas, City Real Estate Appraiser; Tom Malmstrom, Parks & Recreation Department

1) Jamaica North Trail Update

Terry Genrich, Parks & Recreation Natural Resources Manager, said he has received authorization from the funding agency to proceed with the preliminary engineering design for the Jamaica North Trail project. He estimated the cost at \$74,000 to \$75,000.

Board consensus was to proceed with informal bids through the Purchasing Department.

2) School Taxes for Nebraska Environmental Trust (NET) Property

Genrich said the City is required to pay taxes on property that is acquired with funds from the Nebraska Environmental Trust (NET) Fund. **NOTE:** The City intends to use the land for park purposes.

Clint Thomas, City Real Estate Appraiser, asked whether the City will be required to pay only the taxes that are due the school district or the entire tax bill, giving it all to the school district.

Tom Malmstrom, Parks & Recreation Department, said the County Attorney's Office issued an opinion to the County Assessor's Office regarding the taxability issue. The opinion notes that administrative regulations (provisions through the Nebraska Administrative Code) were adopted by the NET Board to facilitate implementation of the NET Act provisions, indicating an intent that funds from the NET Fund not be utilized in a manner that would result in a reduction of tax revenues to local taxing authorities. The opinion states that property acquired with funds from the NET Fund may not be taxed, regardless of the intent of the regulation, if it meets the statutory requirements for exemption as set out in Nebraska Revised Statute §77-202. In such a case, NET would require the grant recipient to make annual gifts to taxing authorities in the amount that would have been paid in property taxes if the property had not become exempt (payment in lieu of taxes).

Thomas suggested payment on the value prior to acquisition. He said the alternative would be to reassess the value every year and expressed concern that would generate a tax statement each year and would give the appearance that the property is being taxed.

Workman said Lincoln Electric System (LES) also makes payment in lieu of taxes and suggested that this be handled in the same manner.

Board consensus was to schedule further discussion with Mike Thew, Chief Deputy County Attorney; Norm Agena, County Assessor/Register of Deeds ; R.J. Nuernberger, County Treasurer; and Dave Kroeker, Budget and Fiscal Officer.

3) Letter of Support for NET Grant

Genrich presented a letter draft (Exhibit B).

MOTION: Workman moved and Schorr seconded to authorize signature by the Chair. Workman, Stevens, Schorr and Heier voted aye. Motion carried.

5 RURAL PLANNING STUDIES - Eleanor Franke

Eleanor Franke relayed her observations regarding implementation of three studies identified in the Lincoln and Lancaster County 2025 Comprehensive Plan: 1) "Build Through" Design Standards (guidelines allowing for future acreage development to be converted to an urban-style configuration when they are brought into the City); 2) Cost of Rural Services Study (an independent analysis of the economic and quality of life impacts of acreages); and 3) Performance Standard "Point System" (allowing for higher density acreage development when certain criteria are met). She said it appears that potential results are influencing whether or not applications for projects receive favorable recommendations and said the studies need to be brought to conclusion. Franke suggested formation of a citizen advisory committee to review reports of the studies and to bring back observations and/or recommendations.

MOTION: Heier moved and Workman seconded to allow a voluntary citizens committee, to be comprised of one (1) member from each of the County Commissioner districts, to evaluate the studies and report back to the Board.

Heier said he believes each Commissioner should appoint their respective district's member and indicated plans to appoint Franke from his district.

Schorr suggested that the Commissioners bring forth names at the next Staff Meeting.

Stevens said he would prefer to defer the matter for one week.

Heier called the question.

ROLL CALL: Heier, Schorr and Workman voted aye. Stevens voted no. Motion carried.

The Board asked Franke to make a copy of her remarks available.

6 STEVENS CREEK SEWER, PHASE IV SALT CREEK TRUNK SEWER PROJECT AND TREATMENT FACILITY UPDATES - Steve Masters, Gary Brandt and Brian Kramer, City Public Works/Utilities

Gary Brandt, City Public Works/Utilities, presented Lincoln Wastewater System, Capital Improvement Projects, Status Update (Exhibit C).

Steve Masters, City Public Works/Utilities, said rate increases will be needed to build some of the projects identified in the presentation.

The following documents were also disseminated (Exhibits D & E):

- Lincoln Wastewater System, Department of Public Works and Utilities, Northeast Wastewater Treatment Facility Improvements (Fact Sheet)
- Lincoln Wastewater System Project Fact Sheet, Theresa Street Wastewater Treatment Facility Nitrification Improvements

7 PENDING LITIGATION - Doug Cyr, Chief Administrative Deputy County Attorney

MOTION: Workman moved and Heier seconded to enter Executive Session at 9:57 a.m. for discussion of pending litigation and labor negotiations. Workman, Stevens, Schorr and Heier voted aye. Motion carried.

MOTION: Heier moved and Schorr seconded to exit Executive Session at 10:49 a.m. Heier, Stevens, Workman and Schorr voted aye. Motion carried.

8 LANCASTER COUNTY AGRICULTURAL SOCIETY SIGN - Kristy Mundt, Deputy County Attorney

Kristy Mundt, Deputy County Attorney, said Gary Britton, Nebraska Department of Roads, has asked the County to enforce rules and regulations controlling outdoor advertising with regards to the Lancaster County Agricultural Society's electronic sign (see Staff Meeting minutes of April 25, 2004). She said the rules and regulations that the Ag Society is allegedly violating are part of the Nebraska Administrative Code, which the State is authorized to enforce through the Department of Roads. The Department may also seek injunctive relief on behalf of the State. Mundt said the County lacks authority to threaten criminal prosecution or injunction but could pursue other avenues, perhaps with regard to funding. She said she has relayed her opinion to Britton.

Stevens noted that the Department of Roads has indicated that the sign jeopardizes federal funding for road projects.

Stevens asked Mundt to submit her opinion in writing to the Board, with copies to Britton and Alan Wood, Lancaster County Agricultural Society Counsel.

ADDITIONS TO THE AGENDA

- C. Contract with Hamilton College for a Federal Work-Study Program with Lancaster County Corrections

Mundt said the County will pay 25% of the hourly rate and will assume workers' compensation liability.

The Board scheduled the item on the August 3, 2004 Board of Commissioners Meeting agenda.

- 9 LABOR NEGOTIATIONS** - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Tom Fox, Deputy County Attorney

See Item 7.

- 10 1) SAFE-START PROMISING APPROACHES GRANT; 2) THE HUB; 3) MAGELLAN; 4) TRABERT HALL SPACE; 5) FEDERAL SITE VISIT (AUGUST 12, 2004) AND 6) COMMUNITY ASSESSMENT CENTER** - Sheryl Schrepf, Families First & Foremost (F³) Director; Renee' Dozier, F³ Associate Director

1) Safe-Start Promising Approach Grant

Sheryl Schrepf, Families First & Foremost (F³) Director, asked the Board to sign a letter of authorization for Randall Funding and Development, Inc. to write a 2004 U.S. Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP) Grant for the Safe Start: Promising Approaches for Children Exposed to Violence Project (reduce the impact of children's exposure to violence, with particular emphasis on young children, age 6 and younger, and their families) (Exhibit F). She said there is no county match.

MOTION: Heier moved and Schorr seconded to authorize the Chair to sign the letter. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

2) The HUB

Schorr requested clarification of the relationship between F³ and The HUB (Transitional Services Network for Young Adults).

Schrepf said community-based care coordinators at the Y.W.C.A. and Lighthouse will work with The HUB.

3) Magellan

Schrepf said the Nebraska Department of Health and Human Services (HHS) has decided to implement a new process for Office of Juvenile Services (OJS) evaluations (Exhibit G). The Medicaid division and Magellan, the Medicaid managed care company, will assume the coordination and completion of the clinical portion of the valuation, effective August 1, 2004. Schrepf said F³ is taking referrals under the old system

through July 30, 2004 and will complete the thirty-five to forty OJS evaluations that it has pending. HHS has asked that the existing contract be extended for 90 days.

The Board asked that length of stay in detention be monitored.

Stevens said the State needs to be apprised that it will be responsible for the cost of additional detention days, at the negotiated rate.

Kerry Eagan, Chief Administrative Officer, said it will be dependent on whether the youth are pre-adjudicated or post-adjudicated.

Mundt said the original contract includes a provision that the State will only pay for five days and said that provision will be carried forward in the amendment extending the contract. She said the Board is trying to "interplay" this contract with the juvenile detention services contract and said there are different "players" involved.

Schrepf said the juvenile court judges are another variable and said it is important to involve them as well.

The Board reviewed correspondence from Kit Boesch, Human Services Administrator, expressing the following concerns (Exhibit H):

- Youth may be held in detention for a significantly longer period of time if the State takes over evaluations (evaluations currently take seven to ten days)
- Not all youth require a full evaluation
- Safety, security and youth self-esteem issues related to transfer by a private transport company
- Risk to public safety by transfer to a facility that is not secure

The Board asked Schrepf to draft a letter to the Governor's Policy Cabinet outlining concerns for the Board's review at the next Staff Meeting. The letter will be copied to Governor Johanns and Nancy Montanez, Nebraska Department of Health & Human Services Director.

4) Trabert Hall Space

Schrepf indicated interest in locating the Family Resource Center and a community meeting room on the first floor of Trabert Hall in the space that was formerly occupied by the Cornhusker State Games.

Gary Lacey, County Attorney; and Gary Chalupa, Veterans Service Officer/General Assistance Director, appeared and said they also have need for additional space in the building.

The Board suggested that the tenants consult Don Killeen, County Property Manager, and bring forth a proposal.

5) Federal Site Visit

Schrepf said the final federal site visit will take place August 16-19th, 2004 and suggested that the team brief the Board.

The Board scheduled a briefing on the August 19, 2004 Staff Meeting agenda.

6) Community Assessment Center

Schrepf said a meeting is scheduled for August 20, 2004 to continue discussion of a Community Assessment Center, including development of a process, network and location.

ADMINISTRATIVE OFFICER REPORT

- A. Claim for Review from Families First & Foremost (F³) - PV 782-5871, dated July 1, 2004, payable to Midwest Special Services, Inc. in the amount of \$165.24. Payment is for services provided in January and February, 2004. Claim is beyond the 90 day time period.

Schrepf recommended payment of the claim, stating internal matters caused the delay in submission.

The Board scheduled the claim on the August 3, 2004 Board of Commissioners Meeting agenda.

11 GENERAL ASSISTANCE (GA) PERSONNEL - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, said he underestimated the General Assistance (GA) caseload and requested two temporary employees to assist with case management. He reported the discovery of several cases involving fraud, one totaling \$20,000, and said additional steps have been taken to verify information on applications for assistance.

MOTION: Workman moved and Schorr seconded to: 1) Authorize Gary Chalupa, Veterans Service Officer/General Assistance Director, to hire two (2) temporary, part-time employees for a six (6) month period; and 2) Reassess the situation at mid-year. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

Chalupa also relayed security concerns.

MOTION: Schorr moved and Stevens seconded to recess the meeting for fifteen minutes to attend the United Way/Combined Health Agencies Drive (CHAD)/Community Services Fund (CSF) Kickoff Luncheon. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

The Chair reconvened the meeting at 12:20 p.m.

ADDITIONS TO THE AGENDA

D. Correspondence from Doug Thomas, Information Services Director
Regarding the Spam/Virus Mail Server (Exhibit A)

The Board reviewed the correspondence.

MOTION: Heier moved and Schorr seconded to add a report on the National Association of County Officials (NACo) Annual Conference, to the agenda. Workman, Stevens, Schorr and Heier voted aye. Motion carried.

Workman reported on his attendance at the recent conference and said he attended sessions relating to detention facilities and recidivism.

12 BUDGET WORKING SESSION - Dave Kroeker, Budget & Fiscal Officer

Dave Kroeker, Budget & Fiscal Officer, presented the following (Exhibit I):

- County Board Proposed Budget; FY05 Valuations & Tax Rates
- Budget Adjustments 7-14-04
- Lancaster County; Comparison FY05 to FY04 Revenue Budget
- Lancaster County; Comparison FY05 to FY04 Expense Budget
- Lancaster County - General Assistance; Proposed Budget for FY05 (Revised 6/15/04)
- Lincoln-Lancaster County Health Department; Budget for General Assistance: Primary Care Program; July 1, 2004 through June 30, 2005

Board consensus was to agree with the Health Department's request for \$290,465 from the County General Fund, including \$20,000 for dental services.

Schorr suggested that dental services be "flagged" next year and moved to the City-County Common's budget.

Kroeker also presented Lancaster County, Nebraska; Proposed Budget; 2004-2005 (Exhibit J).

The Board made several revisions to Lancaster County, Nebraska; Proposed Budget Highlights for 2004/2005 on Page 3 (see Exhibit K for revisions).

13 ACTION ITEMS

- A. Application and Agreement for School Meals Program with Nebraska Department of Education

MOTION: Schorr moved and Heier seconded approval. Heier, Schorr, Workman and Stevens voted aye. Motion carried.

14 ADMINISTRATIVE OFFICER REPORT

- A. Claim for Review from Families First & Foremost (F³) - PV 782-5871, dated July 1, 2004, payable to Midwest Special Services, Inc. in the amount of \$165.24. Payment is for services provided in January and February, 2004. Claim is beyond the 90 day time period.

Item moved forward on the agenda.

- B. Correspondence from County Sheriff's Officer Regarding Security Check-Point Staffing

Item held for additional information.

- C. Records Center Policies

Eagan reported on enforcement of Records Center policies. He also reported that Staff Meeting exhibits will be placed in TRIM (Electronic Recordkeeping System).

ADDITIONS TO THE AGENDA

- A. Payment to General Excavating for Tornado Debris Cleanup

Eagan recommended that the Board pay General Excavating from the Grants Fund and pursue reimbursement from Federal Emergency Management Agency (FEMA).

The Board concurred.

B. Pension Review Update

Eagan said the Pension Review Committee has recommended that he and Trish Owen, Chief Deputy County Clerk, attend the National Association of Government Defined Contribution Administrators, Inc. (NAGDCA) Conference in Salt Lake City, Utah (September 10-14, 2004) with funding through pension revenue sharing funds.

MOTION: Workman moved and Schorr seconded to authorize Kerry Eagan, Chief Administrative Officer; and Trish Owen, Chief Deputy County Clerk, to attend the conference, with funding through pension revenue sharing funds. Heier, Schorr, Workman and Stevens voted aye. Motion carried.

15 ADJOURNMENT

MOTION: Heier moved and Schorr seconded to adjourn the meeting at 1:07 p.m. Heier, Schorr, Workman and Stevens voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk